IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

WEDNESDAY, THE 28TH MARCH 2007 / 7TH CHAITHRA 1929

WP(C).No. 4849 of 2004(B)

PETITIONER:

LONACHAN THALIYATH, AGED 58 YEARS,
S/O. VARKEY T.L., THALIYATH HOUSE, RIVER VIEW,
P.O.KARANCHIRA-680 702, THRISSUR DISTRICT (H.S.A.
(RETD.), POMPEI ST.MARY'S HIGH SCHOOL, KATTOOR.

BY ADV. SRI.V.A.MUHAMMED.

RESPONDENTS:
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1. **THE STATE OF KERALA,**
   REPRESENTED BY THE SECRETARY TO GOVERNMENT,
   GENERAL EDUCATION DEPARTMENT, SECRETARIAT,
   TRIVANDRUM.

2. **THE DISTRICT EDUCATIONAL OFFICER,**
   IRINJALAKUDA, THRISSUR DISTRICT.

3. **THE PRINCIPAL,**
   POMPEI ST.MARY'S VOCATIONAL HIGHER SECONDARY
   SCHOOL, KATTOOR-680 702, THRISSUR DISTRICT.

BY GOVERNMENT PLEADER SMT. DEEPA FOR R1 & R2.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 28/03/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C). NO.4849/2004:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P.1: COPY OF THE FORM OF OPTION DTD. 20/04/1999.

EXT.P.2: COPY OF THE STATEMENT OF FIXATION DTD. NIL.

EXT.P.3: COPY OF THE CHALAN RECEIPT DTD. 02/02/2000.

EXT.P.4: COPY OF THE G.O. (P). NO. 206/2003/FIN. OF THE GOVERNMENT DTD. 05/04/2003.

EXT.P.5: COPY OF THE ORDER NO. 65419/PRC-C1/94/FIN. OF THE GOVERNMENT DTD. 25/10/1994.

EXT.P.6: COPY OF THE LETTER NO. 72339/PRU-1/95/FIN. OF THE GOVERNMENT DTD. 26/12/1995.

//TRUE COPY//

prv.

KURIAN JOSEPH, J.

W.P(C)No. 4849 of 2004

Dated this the 28th day of March, 2007

JUDGMENT

In view of the decision of this court in State of Kerala v. Lissy Joseph, 2005 (4) KLT SN 70, Case No.97, (2006 (1) KLJ 566) it is now the settled position as far as this court is concerned, that the re-option is to be given effect to from the date of effect of re-option and not from the date of actual exercise of re-option. The impugned orders are hence quashed.

The writ petition is disposed of as above.

(KURIAN JOSEPH, JUDGE)

ahg.